UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:13-cy-41-RJC-DCK

LISA ANTOINE,)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
PRONURSE MEDICAL STAFFING, INC.,)	
and MADISON SAINTS PARADISE LLC,)	
Defendants.)	
)	

THIS MATTER comes before the Court on Defendant Timothy Wright's Motion to Dismiss with Prejudice (Doc. No. 13) and the Magistrate Judge's Memorandum and Recommendations. (Doc. No. 16). No objections were filed and this matter is now ripe for adjudication.

I. STANDARD OF REVIEW

The Federal Magistrate Act provides that "a district court shall make a de novo determination of those portions of the report or specific proposed findings recommendations to which objection is made." 28 U.S.C. § 636(b)(1); Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must "only satisfy that there is no clear error on the face of the record in order to accept the recommendation." Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note).

II. CONCLUSION

The Magistrate Judge issued his M&R on March 12, 2013 (Doc. No. 16), recommending that Defendant Timothy Wright's Motion to Dismiss be denied. No parties have filed any

objection to the M&R. This Court finds no clear error with the Magistrate Judge's recommendation and concludes that the findings of fact are supported by the record and the conclusions of law are consistent with and supported by relevant case law. Defendant Timothy Wright is no longer a party to this suit. Accordingly, this Court hereby accepts the Magistrate Judge's M&R and **ADOPTS** it as the final ruling of this court and **DENIES** Defendant Timothy Wright's Motion to Dismiss Plaintiff's Amended Complaint (Doc. No. 13) as moot.

IT IS, THEREFORE, ORDERED that:

- 1. The Magistrate Judge's M&R (Doc. No. 16) is **ADOPTED**
- 2. Defendant's Motion to Dismiss Amended Complaint (Doc. No. 13) is **DENIED** AS MOOT.

Signed: June 6, 2013

Solvert J Corract Robert J. Conrad, Jr.

United States District Judge